

**BOARD OF SUPERVISORS**

**ACTION ITEM**

**# 3**

**SUBJECT:** ZMAP 2008-0023, Cedar Green Church

**ELECTION DISTRICT:** Potomac

**CRITICAL ACTION DATE:** March 2, 2010

**STAFF CONTACT:** Sophia Fisher, Planning Department

**RECOMMENDATIONS:**

Planning Commission:

At the December 17, 2009 Public Hearing, the Planning Commission voted 9-0 to forward this application to the Board of Supervisors with a recommendation of approval subject to the draft Proffer Statement dated December 2, 2009 and with the attached Findings dated December 17, 2009.

Staff:

Staff concurs with the Planning Commission's recommendation.

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**BACKGROUND:**

Iglesia Galilea de las Asambleas de Dios of Sterling, Virginia has submitted an application to rezone approximately 2.9 acres from the R-4 (Single Family Residential) to the PD-IP (Planned Development-Industrial Park) zoning district in order to develop a church. The property is located within the Route 28 Tax District. This application is subject to the Revised 1993 Zoning Ordinance. The Applicant is also requesting a modification of Section 4-505(B) of the Zoning Ordinance to reduce both the minimum 75-foot yard for buildings, outdoor storage, areas for collection of refuse, or loading area, and the 60-foot yard for parking, adjacent to an agricultural or residential district, or landbay allowing residential uses, to 15 feet. The subject property is located at 22195 and 22217 Cedar Green Road. The area is governed by the policies of the Revised General Plan (Suburban Policy Area (Sterling Community)), the Revised Countywide Transportation Plan, and the Loudoun County Bicycle and Pedestrian Mobility Master Plan, which designate this area for business uses and which recommend a FAR of 0.4.

The Board of Supervisors held a public hearing on this application on February 8, 2010. No members of the public spoke at the hearing. The Board voted 9-0 to send the application to a business meeting for action.

**ISSUES:**

At the time of the public hearing, the signed proffer statement had been received by staff, but had not been approved to legal form. The final proffer statement has since been approved to legal form by the County Attorney's Office with a few minor changes that do not materially affect the proffers. Both a redline version (attachment 3) and the executed version (attachment 4) are attached.

**ALTERNATIVES:**

The Board of Supervisors may recommend approval of the application, deny the application, or continue discussion.

**DRAFT MOTION(S):**

1. I move that the Board of Supervisors approve ZMAP 2008-0023, Cedar Green Church, subject to the Proffer Statement dated February 22, 2010 and with the attached Findings for Approval.

OR,

2. I move an alternate motion.

**ATTACHMENTS:**

1. Vicinity Map
2. Findings for Approval
3. Redline proffer statement dated February 22, 2010
4. Proffer statement dated February 22, 2010

## VICINITY MAP



### Directions:

From Leesburg, take Route 7 east to Route 28 South. Take the W. Church Road ramp in the direction of Sterling. Turn right on Davis Road, then take the first right on Shaw Road. Turn left at Cedar Green Road. Site will be on the right.

## FINDINGS

1. The proposed church is in conformance with the land use policies of the Revised General Plan, which call for a minimum of 5% civic uses in Business Communities.
2. The proposal is consistent with the policies of the Countywide Transportation Plan, and will not have a significant impact on the road network.
3. The application conforms to the requirements of the Revised 1993 Zoning Ordinance.

## PROFFER STATEMENT

ZMAP 2008-0023

Revised February 22, 2010 February 22, 2010

Jose A. Martinez, as owner of the property described as Loudoun County Tax Map /80/A/1////24/ (044-20-7098), and Lidia M. Serrano de Araujo, as owner of the property described as Loudoun County Tax Map /80/A/1////25/ (044-20-7585), the two parcels being collectively referred to as the "Property" and the two owners collectively referred to as "Owner", on behalf of themselves and their respective successors in interest, hereby voluntarily proffer, pursuant to Section 15.2-2303 of the Code of Virginia(1950), as amended, that development of the Property shall be in substantial conformance with the following conditions in the event that the Property is rezoned by the Loudoun County Board of Supervisors to the PD-IP Planned Development-Industrial Park zoning district administered under the Revised 1993 Zoning Ordinance ("Zoning Ordinance"), as substantially set forth in the Concept Plan entitled "Concept Plan (ZMAP 2008-0023 Cedar Green Church)", consisting of Sheets 1 through 3, dated November 13, 2009, with revisions through December 1, 2009 ( the "Concept Plan") and further described in its rezoning application as "Cedar Green Church Rezoning (ZMAP 2008-0023)":

1. **Development.** The development of the Property shall be in substantial conformance with Sheets 1 through 3 of the Concept Plan, specifically including the proposed uses shown thereon, subject to the other provisions of these proffers and subject to the PD-IP District Regulations and other zoning regulations as they may be modified in conjunction with this application and in accordance with the Zoning Ordinance.
2. **Potential Changes.** The Owner, or successor, reserves the right to make minor adjustments to the Concept Plan during site plan review, such as to building footprints, general layout, and utility locations, as may be necessitated by site conditions and engineering considerations. The Owner, or any successor, shall also have the right to make changes to the Concept Plan in accordance with Section 6-1511(A) of the Zoning Ordinance and the right to make changes pursuant to special exception approved in accordance with Section 6-1511(B) of the Zoning Ordinance.
3. **Stormwater.** Stormwater management techniques and best management practices shall be employed, to the extent feasible, to reduce the peak rate of runoff and reduce the volume of pollutants created by rooftop and parking surfaces on the Property. Such proposed techniques and practices may include infiltration swales, bioretention basins with underdrains, or other low impact development techniques, where the first inch of storm runoff from rooftop and parking surfaces on site is treated by said techniques and practices.
4. **Energy** The new Church building to be constructed shall incorporate energy efficient appliances, such as dishwashers and refrigerators. The County will be provided copies of Energy Star certificates at the time of occupancy of the new Church building. The Owner, or any successor, shall consult the Energy Star program, or its equivalent, to determine if additional building features, such as light fixtures, are economically feasible for incorporation into the new Church building.



5. **Landscaping.** Sheet 2 of the Concept Plan depicts and describes a landscape plan, entitled "Landscaping Plan", which the Owner hereby proffers, subject to modifications in accordance with the following provisions of this Proffer 5. To implement this Proffer No. 5, Owner, or any successor, shall cause the preparation of a more detailed Landscaping Plan the ("Revised Landscaping Plan"), prepared by a certified arborist or landscape architect and in consultation with the County Urban Forester, during site plan review, to create visually appealing buffers along the periphery of the Property and a visually appealing streetscape along the street frontage of the Property. The Revised Landscaping Plan may include removal of existing trees for the construction of the improvements shown on the Concept Plan. The details of the Revised Landscaping Plan provided at site plan shall identify plantings that, by number or natural qualities, shall counterbalance the effect of the removal of any significant existing trees on the Property. New planting materials will consist primarily of native plant species and will be maintained in good health. The Revised Landscaping Plan may incorporate gardens or similar areas designed for meditation. Dead or diseased plant materials will be replaced in consultation with the County's Urban Forrester.

Notwithstanding anything to the contrary that may be indicated on the Concept Plan or in this Proffer No. 5, the species and types of new plantings, the exact number of new plantings, the spacing of new plantings, and other landscape features may be modified during site plan review, due to site conditions, subject to review and approval of the County's Urban Forester.

6. **Transportation.** The Owner, or any successor, shall dedicate right of way, for public street purposes, approximately twenty feet wide as indicated by "Prop. R.O.W. Dedication" on Sheet 2 of 3 of the Concept Plan, along the Cedar Green Road frontage of the Property. This dedication shall be made in conjunction with at the time of site plan approval. ~~The Owner reserves any density credit available under the Zoning Ordinance, subject to Sec. 1-206 of the Zoning Ordinance.~~ The Owner shall construct frontage improvements as follows: i) an entrance for the Property designed in accordance with the VDOT Minimum Standards of Entrances to State Highways; ii) widening of the pavement in the public right of way abutting the Property, with curb and gutter, to match frontage improvements on the adjacent property to the north; and iii) a five foot wide sidewalk, at the approximate location within the dedicated right of way as shown as "Prop. 5' S/W" on Sheet 2 of 3 the Concept Plan. The construction of the foregoing frontage improvements shall be bonded in conjunction with site plan approval as required by Loudoun County and by the Virginia Department of Transportation ("VDOT") in accordance with their respective ordinances or regulations. The foregoing public frontage improvements shall be constructed and available for use prior to the issuance of a certificate of occupancy for the new Church building.

7. **Contributions.** A one-time fire and rescue contribution will be provided to the County in the amount of \$0.05 per square foot of non-residential floor area for equal distribution between the primary volunteer fire and rescue servicing companies. Such contribution shall be made at the time of issuance of zoning permits. This contribution shall escalate annually from the base year of 1988 and change effective each January 1<sup>st</sup> hereafter, based on the

Consumer Price Index for all urban consumers (CPI-U), 1982-1984=100 (not seasonally adjusted) as reported by the United States Department of Labor, Bureau of Labor Statistics.

8. **General.** These proffer conditions are the only conditions offered on this rezoning, and any prior proffer conditions applicable to the Property are hereby declared void and of no effect, provided that these proffers shall become effective only upon final approval of the Zoning Map Amendment application ZMAP 2008-0023.

**SIGNATURES APPEAR ON NEXT PAGE**

**SIGNATURE PAGE TO PROFFERS FOR ZMAP 2008-0023**

The undersigned hereby warrant that all the owners of any legal interest in the Property have signed the foregoing proffer statement; that each of the undersigned has full authority to bind the Property to these conditions, either individually or jointly with the other owners affixing their signatures hereto; that no signature from any third party is necessary for these proffers to be binding and enforceable in accordance with their terms; and that the foregoing proffers are entered into voluntarily.

\_\_\_\_\_  
Jose A. Martinez

Date: \_\_\_\_\_

County of Fairfax, Commonwealth of Virginia

I, the undersigned notary public, in and for the state and County aforesaid, do hereby certify that Jose A. Martinez, as \_\_\_\_\_ of \_\_\_\_\_, whose name is signed to the foregoing instrument, has acknowledged the same before me.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 2010

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Notary Registration Number: \_\_\_\_\_

\_\_\_\_\_  
Lidia M. Serrano de Araujo

Date: \_\_\_\_\_

County of Fairfax, Commonwealth of Virginia

I, the undersigned notary public, in and for the state and County aforesaid, do hereby certify that Lidia M. Serrano de Araujo, as \_\_\_\_\_ of \_\_\_\_\_, whose name is signed to the foregoing instrument, has acknowledged the same before me.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 2010

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\_\_\_\_\_  
Notary Public

Notary Registration Number: \_\_\_\_\_



PROFFER STATEMENT  
ZMAP 2008-0023  
Revised February 22, 2010

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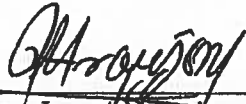
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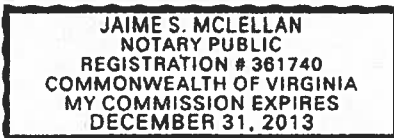
  
\_\_\_\_\_  
Jose A. Martinez  
Date: 02-22-2010

County of Fairfax, Commonwealth of Virginia


I, the undersigned notary public, in and for the state and County aforesaid, do hereby certify that Jose A. Martinez, as N/A of N/A, whose name is signed to the foregoing instrument, has acknowledged the same before me.

Subscribed and sworn to before me this 22 day of February 2010

My Commission Expires: 12/31/13



Jaime S. Mclellan  
Notary Public  
Notary Registration Number: 361740

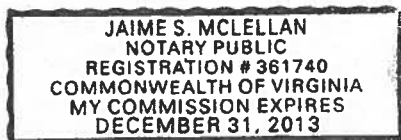
  
\_\_\_\_\_  
Lidia M. Serrano de Araujo  
Date: 2-22-2010

County of Fairfax, Commonwealth of Virginia

I, the undersigned notary public, in and for the state and County aforesaid, do hereby certify that Lidia M. Serrano de Araujo, as N/A of N/A, whose name is signed to the foregoing instrument, has acknowledged the same before me.

Subscribed and sworn to before me this 22 day of February 2010

My Commission Expires: 12/31/13



Jaime S. Mclellan  
Notary Public  
Notary Registration Number: 361740